

December 7, 1998

DURHAM, NORTH CAROLINA
MONDAY, DECEMBER 7, 1998
7:30 P.M.

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Tennyson called the meeting to order and at this time, Council Member Cox announced the scheduled dates for the Legislative Committee Meetings.

The Mayor stated that the applicant for GBA #10 [Zoning Case P98-46, Northpointe] requested that this matter be deferred to a later date.

Tom Miller stated the neighborhoods had no objections to the applicant's request for deferral.

SUBJECT: ZONING MATTER CASE P98-46, NORTHPOINTE, WEST SIDE OF BROAD STREET BETWEEN STADIUM DRIVE AND MURRAY AVENUE

Case: P98-46

Applicant: Northpointe

Location: 38 acre PDR portion of Northpointe development on the west side of Broad Street between Stadium Drive and Murray Avenue (Tax Map 303-1-1 partial)

Request: Change in Development Plan Note - PDR 8.56

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code by making a change in the Development Plan Note - PDR 8.56.

Zoning Committee's Recommendation and Vote: Denial (0-7)

City Manager's Recommendation: Denial

MOTION by Council Member McKissick seconded by Council Member Larson to defer the public hearing on Rezoning Case P98-46 to the February 1, 1999 City Council Meeting was approved at 7:34 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller.

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Noes: None. Absent: None.

Mayor Tennyson asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Ewell asked that GBA #24 [Proposed Diamond View and Durham Bulls Baseball Club Lease Amendments] be referred to the Finance Committee.

**SUBJECT: PROPOSED DIAMOND VIEW AND DURHAM BULLS BASEBALL CLUB
LEASE AMENDMENTS AND DIAMOND VIEW ESTOPPEL CERTIFICATES**

- a. To authorize the City Manager to execute lease amendments to:
 - 1) the existing lease between the City of Durham and the Durham Bulls Baseball Club, Inc. to reflect changes made to the ballpark as part of the Downtown Development Agreement and changes to the Bulls with the upgrade to Triple AAA, and to extend the term of the lease to March 15, 2019.
 - 2) the existing leases between the City of Durham and Diamond View I, LLC on the former Jackie Robinson Place parking lot and the South parking lot to extend the terms of the leases approximately one year.
- b. To authorize the City Manager to execute a Cross-Easement Agreement between the City of Durham and Diamond View I, LLC to allow cross access to the various utilities and equipment located on each other's property.
- c. To authorize the City Manager to execute Estoppel Certificates for the former Jackie Robinson Place Parking Lot Lease and the South Parking Lot Lease certifying that Diamond View I, LLC is not in default of either of the leases.
- d. To authorize the City Manager, in consultation with the City Attorney, to make minor changes to these documents that do not affect the general intent of these documents and that are consistent with the above motions.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Jacobs to refer this item to the Finance Committee was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

There were no priority items from the City Attorney and City Clerk.

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The Mayor asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. Mayor Tennyson noted that several citizens were requesting that Consent Item 8 [Southpoint Mall Annexation] be pulled.

MOTION by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: CITIZENS ADVISORY COMMITTEE - APPOINTMENTS

MOTION by Council Member Larson seconded by Council Member Miller to re-appoint Estella C. Collins and James Edney, III and to appoint Jennifer Lynn Hirsch and Gholam Mainuddin to the Citizens Advisory Committee for three-year terms to expire on June 30, 2001 was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: DURHAM OPEN SPACE AND TRAILS COMMISSION - APPOINTMENTS

MOTION by Council Member Larson seconded by Council Member Miller to re-appoint Annette G. Montgomery (**Ward 5**) and Hildegard Ryals (**At-Large**) and to appoint Talphiline Crank-Haire (**Ward 3**) and Omar Jacque McCallop (**Ward 6**) to the Durham Open Space and Trails Commission for three-year terms to expire June 30, 2001 was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RECREATION ADVISORY COMMITTEE - APPOINTMENTS

MOTION by Council Member Larson seconded by Council Member Miller to appoint William A. Gordon, Jr. and Robert Lee Joy, Jr. for terms to expire August 8, 2001 and Sidney A. Rose for a term to expire August 8, 2000 to the Recreation Advisory Committee was

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approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PRESENTATION FROM DURHAM YOUTH COORDINATING BOARD

MOTION by Council Member Larson seconded by Council Member Miller to receive a presentation from the Durham Youth Coordinating Board was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION HONORING CECIL AVERY BROWN

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Honoring Cecil Avery Brown" was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Resolution #8515

SUBJECT: STREET CLOSING (SC98-11) - WASHINGTON STREET

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution 1) declaring the intent of the City Council to consider permanently closing a 22,416± square foot portion of Washington Street, and 2) setting a public hearing on Monday, December 21, 1998 to consider closing a 22,416± square foot portion of Washington Street was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Resolution #8516

SUBJECT: SITE PLAN APPROVAL - EAST COAST OIL SUPER CENTER

MOTION by Council Member Larson seconded by Council Member Miller to approve a site plan for East Coast Oil Super Center, submitted by Envirotek, consisting of a 2,850 square foot convenience store

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with gasoline sales proposed on 1.356 acres, zoned GC and Eno-B, located on the northeast corner of Roxboro Road and Monk Road (Tax Map 746-01-002A) was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SITE PLAN APPROVAL - STIRRUP IRON CREEK OFFICE PARK

MOTION by Council Member Larson seconded by Council Member Miller to approve a site plan for Stirrup Iron Creek Office Park, submitted by Little & Little, consisting of a 211,298 square foot four story office building proposed on 29.17 acres, zoned I-2, located on the east side of South Miami Boulevard, south of Patriot Drive and north of Chin Page Road (Tax Map 578-01-005) was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Burnette.

SUBJECT: SITE PLAN APPROVAL - LOWE'S HOME CENTER

MOTION by Council Member Larson seconded by Council Member Miller to approve a site plan for Lowe's Home Center, submitted by Lowe's Companies, Inc., consisting of a 135,200 square foot retail home improvement and building supply center proposed on a 17.122 acre parcel zoned GC(D) and OI-2(D) (Falls-Jordan Watershed), located on the north side of William Penn Plaza, and bounded by Roxboro Road on the west and Ben Franklin Boulevard on the east (Tax Map 742-1-7) was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PRIORITIZATION PLAN - HAZARD MITIGATION GRANT APPLICATION

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution that provides a priority plan methodology to be used by the City of Durham for selecting homes for purchase if hazard mitigation grant funding is approved was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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Resolution #8518

**SUBJECT: PROPOSED ACQUISITION FOR MARTIN LUTHER KING, JR. PARKWAY,
PROPERTY OF W. R. DITCH ASSOCIATES**

MOTION by Council Member Larson seconded by Council Member Miller to approve the acquisition of approximately 37,660 square feet of property and a construction easement containing approximately 8,742 square feet located on Whitaker Road, Tax Map 415-05-004, property of W. R. Ditch Associates, with the total of payment being \$37,560 was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PROPOSED ACQUISITION FOR ADDITIONAL BUFFER FOR BROWN
WATER TREATMENT PLANT, LOCATED ON SNOW HILL ROAD,
PROPERTY OF MARVIN E. CARVER AND WIFE FLORA G. CARVER**

MOTION by Council Member Larson seconded by Council Member Miller to approve the acquisition of approximately 10.6 acres of property located on Snow Hill Road, Tax Map 828-01-007, property of Marvin E. Carver and Wife Flora G. Carver, with the total of payment being \$80,500 was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: ORDINANCE TO CREATE FIRE LANES ON PRIVATE PROPERTY -
SOUTHPOINT CROSSING SHOPPING CENTER**

MOTION by Council Member Larson seconded by Council Member Miller to adopt "An Ordinance to Create Fire Lanes on Private Property Devoted to Public Use under the Authority of Durham City Code Section 20-190, Category XVII. Fire Lanes on Private Property Devoted to Public Use" was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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**SUBJECT: LAND APPLICATION OF WATER AND WASTEWATER RESIDUALS -
AMSCO, INC. OF CLEMMONS, NORTH CAROLINA**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with AMSCO, Inc. of Clemmons, North Carolina, for services relating to the operation of the City's Land Application Program for Water and Wastewater Residuals was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: CONTRACT SR-19, LEWIS STREET OUTFALL REHABILITATION -
PIPE REPLACEMENT POINT REPAIRS, R & R UTILITIES,
INCORPORATED**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute Contract SR-19 for Lewis Street Outfall rehabilitation with R & R Utilities, Incorporated in the amount of \$331,303; and

To authorize the expenditure of \$390,000 from the Sewer Rehabilitation Account for this contract was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: WATER SALES AGREEMENT - ORANGE WATER & SEWER AUTHORITY
(OWASA)**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into an Amended Agreement with OWASA which extends the term of the agreement and updates the price of any water sold was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: SEWER EXTENSION AGREEMENT WITH ELI BROWN, INCORPORATED -
LANSING AVENUE**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a sewer extension

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agreement with Eli Brown, Incorporated for the extension of City sewer to serve the section of Lansing Avenue just to the east of Brandon Road was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH E T DEVELOPMENT CORPORATION - UMSTEAD ROAD SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a Water and Sewer Extension Agreement with E T Development Corporation to serve the Umstead Road Subdivision, a 69.32 acre, 138 lot, single-family subdivision located at the northeast corner of Umstead and Bivins Roads was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: MORNINGSIDE DRIVE/STURBRIDGE DRIVE - STREET CLOSURE

- a. **MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning the Morningside Drive/Sturbridge Drive street closure issue--connection of Morningside and Sturbridge Drives to be severed on December 4, 1998; and
- b. To authorize the expenditure of up to \$40,000 from the Miscellaneous Thoroughfares Account for the installation of a traffic signal at the Hope Valley Road/South Roxboro Street intersection; and, to direct staff to conduct a signal study at the Juliette Drive and Fayetteville Road intersection with a recommendation to be brought to City Council approximately 90 days following the Morningside/ Sturbridge Drives connection closure was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: TRAFFIC SIGNAL REQUEST - ALSTON AVENUE AND TAYLOR STREET

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Transportation Division concerning a

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request for a traffic signal at Alston Avenue and Taylor Street;
and

To authorize the expenditure of up to \$45,000 from the Miscellaneous Thoroughfares Account for installation of a traffic signal with pedestrian signals at the Alston Avenue and Taylor Street intersection was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION OF THANKS TO BETSY ROLLINS

MOTION by Council Member Larson seconded by Council Member Miller to direct the City Clerk to draft a resolution of thanks to Betsy Rollins for her services to the Community Kitchen was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STREET ACCEPTANCE - WOODCROFT PARKWAY

MOTION by Council Member Larson seconded by Council Member Miller to accept Woodcroft Parkway from Pineywood Park east of Woodlake Drive eastward to end of construction (1,111') for maintenance by the City of Durham was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: DEVELOPER REIMBURSEMENT FOR SEWER OUTFALL CONSTRUCTION - CARVER POND II

MOTION by Council Member Larson seconded by Council Member Miller to authorize the expenditure of \$31,831.00 from the Sewer Extensions and Improvements Account for reimbursement of the construction of a sanitary sewer outfall at the Carver Pond Apartments (Carver Pond II) was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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SUBJECT: FORTY MILE PER HOUR SPEED LIMIT - FARRINGTON ROAD

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing a speed limit of 40 mph on Farrington Road, beginning at a point 0.08 mile south of the south curb line of Trenton Road, if extended, and extending north to Old Chapel Hill Road was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Ordinance #11603

SUBJECT: STOP SIGN - GREENLEAF STREET

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Greenleaf Street at E. Markham Avenue, southeast corner was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Ordinance #11604

SUBJECT: STOP SIGN - HOPE VALLEY FARMS

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Juliette Drive at South Roxboro Street, northeast corner was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Ordinance #11605

SUBJECT: NO PARKING - COLONY ROAD

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing no parking at any time on the south side of Colony Road beginning at a point 30 feet west of the west curb line of Marchmont Court, if extended, and extending eastwardly to a point 35 feet east of the east curb line of

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Marchmont Court was approved at 7:39 p.m. by the following vote:
Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Ordinance #11606

SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Council Member Larson seconded by Council Member Miller to approve the official minutes of the regular November 2, 1998 City Council Meeting was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

SUBJECT: Sidewalk - Revere Road (West Side) from Seaton Road to North Property Line of Tax Map 548-1-42

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments regarding the proposed improvement; and

To adopt a resolution ordering sidewalk on Revere Road (West Side) from Seaton Road to north property line of Tax Map 548-1-42 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Water Main - Jean Avenue from Cavalier Avenue to Chapel Hill Road

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no

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objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments regarding the proposed improvement; and

To adopt a resolution ordering water main on Jean Avenue from Cavalier Avenue to Chapel Hill Road was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Curb, Gutter and Paving and Water and Sewer Laterals - Ebon Road from Barbee Road to Grundy Street

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Millerto receive citizens' comments regarding the proposed improvements; and

To adopt a resolution ordering curb, gutter and paving and water and sewer laterals on Ebon Road from Barbee Road to Grundy Street was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Sidewalk - Avondale Drive (East Side) from East Property Line of Tax Map 118-4-3 to North Property Line of Tax Map 117-5-1 and **Alcott Street (East Side)** from South Property Line of Tax Map 117-4-3 to North Property Line of Tax Map 117-4-1 (Enabling Act Authority)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments regarding the proposed improvements; and

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To adopt a resolution ordering sidewalk on Avondale Drive (East Side) from east property line of Tax Map 118-4-3 to north property line of Tax Map 117-5-1 and Alcott Street (East Side) from south property line of Tax Map 117-4-3 to north property line of Tax Map 117-4-1 under the Enabling Act Authority was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Sidewalk - East Geer Street (South Side) from Alston Avenue East to East Property Line of Tax Map 143-3-20 and **Miami Boulevard (West Side)** from North Property Line of Tax Map 143-3-19 to South Property Line of Tax Map 143-3-19 (Enabling Act Authority)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments on the proposed improvements; and

To adopt a resolution ordering sidewalk on East Geer Street (South Side) from Alston Avenue east to east property line of Tax Map 143-3-20 and Miami Boulevard (West Side) from north property line of Tax Map 143-3-19 to south property line of Tax Map 143-3-19 under the Enabling Act Authority was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: HISTORIC LANDMARK DESIGNATIONS

a. The Percy Reade House - 510 Holloway Street

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning Durham Historic Landmark designation for the Percy Reade House; and

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To adopt "An Ordinance Providing for the Designation of the Percy Reade House as a City of Durham Historic Landmark" was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Ordinance #11607

b. The Cobb-Toms House - 914 Vickers Avenue

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

Council Member McKissick asked the City Manager to give some consideration to making the public more aware of this program.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning Durham Historic Landmark designation for the Cobb-Toms House; and

To adopt "An Ordinance Providing for the Designation of the Cobb-Toms House as a City of Durham Historic Landmark" was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Ordinance #11608

SUBJECT: PROPOSED ORDINANCE TO AMEND THE DURHAM ZONING ORDINANCE TO MODIFY THE CRITERIA USED FOR GRANTING USE PERMITS, THE LENGTH OF VALIDITY OF THE PERMITS, AND THE LOT FRONTAGE MEASUREMENT FOR FREESTANDING SIGNS (TC79-98)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning the proposed Zoning Ordinance amendment; and

To adopt "An Ordinance to Amend the Durham Zoning Ordinance to

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Modify the Criteria Used for Granting Use Permits, the Length of Validity of the Permits, and the Lot Frontage Measurement for Freestanding Signs" was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Ordinance #11609

SUBJECT: PROPOSED ORDINANCE TO AMEND THE DURHAM ZONING ORDINANCE REGARDING DENSITY BONUSES FOR AFFORDABLE HOUSING (TC45-98)

To receive citizens' comments concerning the proposed Zoning Ordinance amendment.

To adopt "An Ordinance to Amend the Durham Zoning Ordinance Regarding Density Bonuses for Affordable Housing."

Joint City-County Committee's Recommendation: Approval

Zoning Committee's Recommendations: Approval (6-1)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

No one spoke on this item.

Council Member Blyth requested that this item be held for two weeks to make certain the needs of the working poor are met.

MOTION by Council Member Blyth seconded by Council Member Brown to continue the public hearing without further advertising to the December 21, 1998 City Council Meeting and to refer this item to the Public Works Committee was approved at 7:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, McKissick and Miller. Noes: Council Member Larson. Absent: None.

SUBJECT: ZONING MATTER CASE P98-10 NORTHGATE ASSOCIATES, CLUB BOULEVARD, NORTH DUKE STREET, GREGSON STREET AND I-85

Case: P98-10 [continued from the November 2, 1998 City Council Meeting]

Applicant: Northgate Associates

Location: The 7.65 acre site is located within the block bounded

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by Club Boulevard, North Duke Street, Gregson Street and I-85 access (Tax Map 70, Block 1, Lots 2A, 3, 4, 5, 11, 12, 13, 14, 15, 16 and 17)

Request: Rezoning from SC (Shopping Center District), R-3 (Residential 3 District), and R-8 (Residential 8 District) to GC(D) (General Commercial District with a Development Plan) and NC(D) (Neighborhood Commercial with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code by taking the above described property out of SC, R-3 and R-8 and placing same in and establishing same as GC(D) and NC(D).

Zoning Committee's Recommendation and Vote: Approval (7-0)

City Manager's Recommendation: Approval

Note: Valid protest petition filed against this rezoning request.

City Manager Ewell requested that the mediator present his report to council.

Mike Wendt, Mediator, presented the following report regarding mediation between Northgate Associates and Trinity Park Neighborhood.

On Monday, September 21, the Durham City Council referred Northgate's rezoning request to mediation. The following is a summary of the mediation process that took place, and its results:

Initial meetings were set up with a representative of Northgate Associates and Trinity Park Neighborhood Association to explore the willingness of each group to participate in a mediation process, to determine the size of the team representing each organization, to establish ground rules governing how they would work together, and to develop the agenda for the first meeting.

The role of the mediator was established as a guide to the process, not to determine the merits of decisions. Agreements would be the result of the work of Northgate Associates and Trinity Park Neighborhood Association, not of the mediator. The mediator would not speak about the content of the discussions.

The Planning Department would have a representative present to provide technical information.

The focus was on the interests and needs of each rather than on specific positions. In this way, additional options could be explored which might meet their needs.

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The representatives met a total of 7 times. In these meetings, information was exchanged, interests were explored, and research was shared. Over 22 options, as well as their variations, were explored as the two parties sought to reach a workable resolution.

The representatives conducted themselves in a respectful manner, seeking ways in which to resolve the issues in a mutually satisfactory manner. However, in the end, they were not able to reach a resolution to the issues before them.

It is not within the scope of the mediator's role to comment on the various interests and positions of each. That information must come from the two parties themselves.

Dick Hails, of the City/County Planning Department, provided the following information:

1. Information on court case, Penny v. Durham (NC Supreme Court, 1959). This case grew out of the City Council's decision on the original 1957 rezoning for Northgate Shopping Center/Mall, relating to a proposed protest petition.
2. Information regarding the 1957 and 1969 City Council rezonings in this area.
3. Information about the spacing of trees with the proposed landscape buffer between Club Boulevard and the proposed restaurant parking lot.
4. Actual distances between the Club Boulevard right-of-way and the edge of the proposed parking lot.
5. A copy of the earlier layout of the proposed restaurant parking lot, which included 5 landscape islands. These islands have not been eliminated in an effort to provide more landscaping space between the parking lot and Club Boulevard.

Also, Mr. Hails noted that due to a revised development plan received recently, there may still be some technical modifications required. He stated the staff received from the applicant a legal description of the reduced neighborhood commercial.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponents

Jenny Oakley, representing Northgate Associates, read a statement from Phil Freelon urging support of this plan.

Ginnie Bowman, representing Northgate Associates, spoke in support of the request. She noted in an effort to accommodate many of the

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adjacent property owners and the Trinity Park Association's concerns they have made over 24 revisions to their site plan. Ms. Bowman stated they are committed to providing a first class mix-use development on the site. She stated they have been able to recruit the Battleground Restaurant Group to purchase the property for the two restaurants and they have been very impressed with the quality of their operations throughout the State of North Carolina, and they will be a great addition to Northgate and a tremendous asset to the City of Durham.

Tom Mincher, Jr., representing Battleground Restaurant Group, briefed council on the history of the Battleground Restaurant Group and their high level of commitment to the community. He noted the two proposed restaurants were Tripps and Rock-Ola and he outlined the economic benefits for Durham.

Opponents

Julia Borbely-Brown, President Trinity Park Neighborhood Association, noted Trinity Park was a dynamic, viable, evolving and fragile inner-city neighborhood. She noted the residents residing in Trinity Park were also a critical piece of the economic life and development of the city. Ms. Borbely-Brown noted that Northgate has been a good neighbor; however, the land is being sold and it will not belong to Northgate. She noted they were in support of developing the area in question; however, they were opposed to this particular plan. She stated the zoning is too dense and asked council to support the neighborhood by voting no.

Sam Hodges, representing Trinity Park Neighborhood Association, stated the plan presented to council tonight would virtually destroy the buffer between Gregson and Duke Streets. He noted during the negotiations with Northgate they tried to find ways to preserve the buffer and accommodate Northgate Associates' desire to develop the property but they failed to reach an agreement. Mr. Hodges stated this was too much development being proposed on a small amount of land.

David Averbach, representing Trinity Park Neighborhood Association, asked council to preserve the buffer that is presently there.

Rebuttal

Ginnie Bowman stated the current plan before the council was a much better plan - much higher quality. She asked council to support the request.

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Dick Hails, of the City/County Planning Department, reminded council at the Committee-of-the-Whole Meeting information was distributed on changes to the development plan which included a statement that the strip of landscape buffer between Club Boulevard and the proposed parking lot would be R-8(D) zone. Mr. Hails noted it would remain single-family zoned but would have a development plan applied to it to ensure that the landscaping that is proposed in that strip is carried out as described. He noted the property as proposed by Northgate to be rezoned is to GC(D); NC(D); and a narrow strip of R-8(D).

Mayor Tennyson closed the public hearing.

Council Member Blyth raised concern with the General Commercial designation for this particular site. Ms. Blyth stated she was impressed with the restaurants; however, the value of the restaurants was not worth the sacrifice to the quality of life for the neighborhood.

Council Member Jacobs requested information on the rationale for having two restaurants and the number of parking spaces.

Tom Mincher, Jr., representing Battleground Restaurant Group, noted with their concept they require 130 spaces per restaurant. He stated they have developed numerous restaurants and from experience they are aware of the number of parking spaces it would take to meet their needs. Also, Mr. Mincher stated restaurants survive better when they are in groups and the two proposed restaurants compliment each other.

Council Member Larson raised concern with the large parking area along Club Boulevard and the R-8(D) strip.

Council Member McKissick asked if the plan could be revisited to respect the buffer.

Tom Mincher, Jr., representing Battleground Restaurant Group, stated not with the two restaurants. He noted they reduced the parking as much as they could.

Council Member Miller raised concern with the large amount of parking.

Council Member Burnette spoke in support of the request. She noted this development would provide jobs which are needed.

Mayor Pro Tempore Clement spoke in support of the request.

MOTION by Council Member McKissick seconded by Council Member

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Larson to adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code by taking the above described property out of SC, R-3 and R-8 and placing same in and establishing same as GC(D), NC(D) and R-8(D) **FAILED** at 9:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Member Burnette. Noes: Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

**SUBJECT: ZONING MATTER CASE P98-57, RL HORVATH ASSOCIATES, INC.
WEST SIDE OF SOUTH MIAMI BOULEVARD ACROSS FROM AMBASSADOR
DRIVE AND METHODIST STREET**

Case: P98-57

Applicant: RL Horvath Associates, Inc.

Location: 33.55 acres on the west side of South Miami Boulevard across from Ambassador Drive and Methodist Street, with access to Ellis Road (Tax Map 644, Block 1, Lots 1, 2, 19)

Request: Rezoning from RM-16(D) to RM-16(D) (Multi Family Residential, maximum of 16 dwelling units per acre with a Development Plan) and OI-1(D) (Transitional Office and Institutional with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code by taking the above described property out of RM-16(D) and placing same in and establishing same as RM-16(D) and OI-1(D).

Zoning Committee's Recommendation and Vote: Approval (7-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Mr. R. L. Horvath, the applicant, spoke in support of the request.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code by taking the above described property out of RM-16(D) and placing same in and establishing same as RM-16(D) and OI-1(D) was approved at 9:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Member

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Engelhard. Absent: None.

**SUBJECT: ZONING MATTER CASE P98-64, FRED G. MILLS, MILLS
CONSTRUCTION COMPANY, NORTH SIDE OF NC HIGHWAY 54, WEST
OF NC HIGHWAY 55 AND EAST OF REVERE ROAD**

Case: P98-64

Applicant: Fred G. Mills, Mills Construction Company

Location: The 7.1-acre site is located on the north side of NC Highway 54, west of NC Highway 55 and east of Revere Road (Tax Map 537, Block 1, Lots 14, 15A and 17)

Request: Rezoning from R-20 (Residential 20) and OI-2 (General Office and Institutional) to RM-12(D) (Multifamily Residential District, maximum of 12 dwelling units per acre with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code by taking the above described property out of R-20 and OI-2 and placing same in and establishing same as RM-12(D).

Zoning Committee's Recommendation and Vote: Approval (7-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Ellen Brown, representing the applicant, spoke in support of the request.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code by taking the above described property out of R-20 and OI-2 and placing same in and establishing same as RM-12(D) was approved at 9:16 p.m. by the following vote:
Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[OTHER MATTERS]

SUBJECT: REPORTS FROM THE TAXICAB COMMISSION

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a. Taxicab Commission Report - October 28, 1998 Meeting

To receive a report from the Taxicab Commission and to take action on the following recommendations of the Taxicab Commission--pursuant to Section 22-159.10 of the Durham City Code:

1) Denial of Taxicab Driver's Permit - Dwight Booze

Taxicab Inspector's Recommendation: Deny taxicab driver's permit (in accordance with City Code)

Taxicab Commission's Recommendation: Deny taxicab driver's permit (Vote 5-0)

MOTION by Council Member Larson seconded by Council Member Langley to approve the Taxicab Commission's recommendation [deny taxicab driver's permit - Dwight Booze] was approved at 9:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

2) Denial of Taxicab Operator's License - Ronald Green

Taxicab Inspector's Recommendation: Deny issuance of taxicab operator's license (in accordance with City Code).

Taxicab Commission's Recommendation: Approve the issuance of taxicab operator's license (Vote 5-0)

A motion was made by Council Member Miller seconded by Council Member McKissick to approve the Taxicab Commission's recommendation [approve the issuance of taxicab operator's license for Ronald Green].

SUBSTITUTE MOTION by Council Member Larson seconded by Council Member Engelhard to approve the Taxicab Inspector's recommendation [deny issuance of taxicab operator's license - Ronald Green] was approved at 9:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Engelhard, Griffin and Larson. Noes: Council Members Langley, Cox, McKissick, Jacobs, Miller and Brown. Absent: None.

b. Taxicab Commission Report - November 18, 1998 Meeting

To receive a report from the Taxicab Commission and to take action on the following recommendations of the Taxicab Commission--

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pursuant to Section 22-159.10 of the Durham City Code:

Transfer of Operator's Licenses

- 1) Transfer of Bates' Taxi #125 (Henry Bates) to Sirageldin Osman

Taxicab Inspector's Recommendation: Approve transfer of operator's license #125 (in accordance with City Code)

Taxicab Commission's Recommendation: Approve transfer of operator's license #125.

MOTION by Council Member Larson seconded by Council Member Miller to approve the Taxicab Commission's recommendation [approve transfer of operator's license #125 to Sirageldin Osman] was approved at 9:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 2) Transfer of Bates' Taxi #194 (Henry Bates) to Talaat Ali

Taxicab Inspector's Recommendation: Approve transfer of operator's license #194 (in accordance with City Code)

Taxicab Commission's Recommendation: Approve transfer of operator's license #194

MOTION by Council Member Larson seconded by Council Member Miller to approve the Taxicab Commission's recommendation [approve transfer of operator's license #194 to Talaat Ali] was approved at 9:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: YEAR 2000 STATUS REPORT

MOTION by Council Member Larson seconded by Council Member Miller to receive a status report from the Administration on the Year 2000 Project was approved at 9:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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SUBJECT: FIRST QUARTERLY FINANCIAL REPORT FOR FISCAL YEAR 1998-99

A slide presentation was presented by Laura Gill and Ted Abernathy on this item.

MOTION by Council Member Larson seconded by Council Member Miller to receive the First Quarterly Financial Report for Fiscal Year 1998-99 was approved at 9:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: TAXICAB COMMISSION REPORT - DENIAL OF TAXICAB OPERATOR'S LICENSE - RONALD GREEN

Taxicab Inspector's Recommendation: Deny issuance of taxicab operator's license

Taxicab Commission's Recommendation: Approve the issuance of taxicab operator's license

At this time, Mayor Pro Tempore Clement requested the council to reconsider the previous action taken on the taxicab operator's license of Ronald Green.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Miller to reconsider the vote on denial of Taxicab Operator's License for Ronald Green was approved at 9:46 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Griffin, Jacobs, Langley, McKissick and Miller. Noes: Mayor Tennyson and Council Members Larson, Engelhard and Blyth. Absent: None.

A motion was made by Council Member McKissick seconded by Council Member Miller to approve the Taxicab Commission's recommendation [approve the issuance of taxicab operator's license for Ronald Green].

SUBSTITUTE MOTION by Council Member Larson seconded by Council Member Engelhard to approve the Taxicab Inspector's recommendation [deny issuance of taxicab operator's license for Ronald Green] **FAILED** at 9:48 p.m. by the following vote: Ayes: Mayor Tennyson and Council Member Larson, Engelhard and Blyth. Noes: Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Griffin, Jacobs, Langley, McKissick and Miller. Absent: None.

MOTION by Council Member McKissick seconded by Council Member

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Miller to approve the Taxicab Commission's recommendation [approve the issuance of taxicab operator's license for Ronald Green] was approved at 9:49 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Burnette, Cox, Griffin, Jacobs, Langley, McKissick and Miller. Noes: Mayor Tennyson and Council Members Larson, Engelhard, Blyth and Brown. Absent: None.

SUBJECT: SETTING PUBLIC HEARING ON REVISIONS TO VEHICLE ORDINANCE

MOTION by Council Member Larson seconded by Council Member Miller to set a public hearing on Monday, December 21, 1998 to hear citizen comments on proposed revisions to existing City Ordinance No. 6303, Establishing Removal Procedures for Abandoned or Junked Motor Vehicles from Private Property, Chapter 10, Article V, Division 2 of the Durham City Code was approved at 9:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PROPOSED AMENDMENT #1 TO LEASE AGREEMENT BETWEEN THE CITY OF DURHAM AND DURHAM PUBLIC SCHOOLS

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute "Amendment #1 to Lease Agreement" between the City of Durham and Durham Public Schools to expand the rental space and extend the lease term for an additional six months in the Holloway Street School Building for the Northeast Central Durham Partners Against Crime Initiative was approved at 9:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PROPOSED AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF DURHAM AND NORTHGATE ASSOCIATES FOR DISTRICT 2 POLICE SUBSTATION

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute an amendment to the Lease Agreement between the City of Durham and Northgate Associates to increase the space and extend the term was approved at 9:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller.

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Noes: None. Absent: None.

**SUBJECT: PROPOSED PARKING DECK SECURITY CONTRACT - PINKERTON
SECURITY SERVICE**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a one-year security contract with Pinkerton Security Service in the amount of \$78,000 for parking systems security was approved at 9:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CABLE FRANCHISE CONSULTANT AGREEMENT - ARNOLD & PORTER

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to engage Arnold & Porter to provide cable franchise consulting services to the City of Durham was approved at 9:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: MINORITY/WOMEN BUSINESS ENTERPRISES (MWBE) ORDINANCE
IMPLEMENTATION PROGRESS REPORT**

MOTION by Council Member Larson seconded by Council Member Miller to receive the M/WBE Ordinance Implementation/Progress Report was approved at 9:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: ARCHITECTURAL SERVICES FOR THE NEW SOLID WASTE
COLLECTIONS FACILITY - THE FREELON GROUP**

MOTION by Mayor Pro Tempore Clement seconded by Council Member Miller to authorize the City Manager to engage The Freelon Group to provide architectural services for the proposed new solid waste collections facility was approved at 9:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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**SUBJECT: RESEARCH TRIANGLE INSTITUTE (RTI) CONTRACT - BROWNFIELDS
REDEVELOPMENT RESEARCH PROJECT**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with Research Triangle Institute, in an amount totaling \$75,659, to conduct a brownfields redevelopment research project, subject to the terms and conditions found in the attached Contract and Proposal was approved at 9:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: LIVE FIRE TRAINING EXERCISE - BURNING OF STRUCTURE AT
1101 SOUTH ROXBORO STREET**

MOTION by Council Member Larson seconded by Council Member Miller to approve the burning of the structure located at 1101 South Roxboro Street for a live fire training exercise was approved at 9:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[ITEM PULLED FROM THE CONSENT AGENDA]

SUBJECT: SOUTHPOINT CENTER (MALL) ANNEXATION (FY99-07)

To receive a report from the Administration on the voluntary annexation petition.

To accept the City Clerk's certification of 100% ownership as required by N.C. General Statutes 160A-31.

To adopt a resolution setting a public hearing on Monday, December 21, 1998 at 7:30 p.m. to consider the annexation of Southpoint Center (Mall).

The following individuals requested that the proposed public hearing on the annexation of Southpoint Center Mall be deferred for 30 days: David Lewis; Pat Bocckino; Roger Deese; and Linda Shaw.

MOTION by Council Member McKissick seconded by Mayor Pro Tempore Clement to receive a report from the Administration on the

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voluntary annexation petition; and

To accept the City Clerk's certification of 100% ownership as required by N.C. General Statutes 160A-31; and

To adopt a resolution setting a public hearing on Monday, December 21, 1998 at 7:30 p.m. to consider the annexation of Southpoint Center (Mall) was approved at 10:17 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Member Engelhard. Absent: None.

Resolution #8517

SUBJECT: SOUTHPOINT MALL AND MIDLAND PROPERTIES REZONING REQUESTS

MOTION by Council Member McKissick seconded by Council Member Miller to add to the agenda the public hearings regarding the rezoning requests for Southpoint Mall and Midland Properties was approved at 10:18 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Griffin, Jacobs, Langley, McKissick and Miller. Noes: Council Members Cox, Larson, Engelhard and Blyth. Absent: None.

MOTION by Council Member McKissick seconded by Council Member Miller to hold the public hearing for the Southpoint Mall and the Midland Properties rezoning requests on Tuesday, January 19, 1999 was approved at 10:29 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Brown, Burnette, Engelhard, Griffin, Langley, McKissick and Miller. Noes: Mayor Pro Tempore Clement and Council Members Cox, Jacobs, Larson and Blyth. Absent: None.

There being no further business to come before the Council, the meeting was adjourned at 10:30 p.m.

D. Ann Gray
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk